

EXHIBIT A

P4BCpos1

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 Vasek Pospisil, Nicholas
4 Kyrgios, Anastasia Rodionova,
5 Nicole Melichar-Martinez,
6 Saisai Zheng, Sorana Cîrstea,
7 John-Patrick Smith, Noah
8 Rubin, Aldila Sutjiadi,
9 Varvara Gracheva, Tennys
Sandgren, and Reilly Opelka,
on behalf of themselves and
all others similarly situated
-and- The Professional Tennis
Players Association,

Plaintiffs,

v.

25 Civ. 2207 (MMG)

11 ATP Tour, Inc., WTA Tour,
12 Inc., International Tennis
Federation Ltd., and
13 International Tennis Integrity
Agency Ltd.,

Defendants.

16 New York, N.Y.
17 April 11, 2025
2:00 p.m.

18 Before:

19 HON. MARGARET M. GARNETT,

20 District Judge

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APPEARANCES

WEIL GOTSHAL & MANGES LLP
Attorneys for Plaintiffs

BY: JAMES QUINN
DREW TULUMELLO
LUNA BARRINGTON
ZACHARY A. SCHREIBER

PROSKAUER ROSE LLP
Attorneys for Defendants

BY: BRAD RUSKIN
KYLE CASAZZA
LEE POPKIN

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(Case called)

MR. QUINN: Yes, your Honor. James Quinn for the plaintiffs, along with my colleagues Andrew Tulumello, Luna Barrington, and Zach Schreiber.

THE COURT: Good afternoon.

MR. RUSKIN: Good afternoon, your Honor. Brad Ruskin, Proskauer, for ATP Tour, along with my colleagues Kyle Casazza and Lee Popkin. Also with us today is Mark Young from ATP. Mr. Young is the chief legal and administrative officer.

THE COURT: Welcome, everyone.

We're here today for a hearing on the plaintiffs' 23(d) motion.

Before we begin, I just want to make a record about relationships I have with two of the lawyers in this case. First, one of the lawyers for the WTA tour, Mr. Biederman, he was a law school classmate of mine. There he is. Nice to see you. Although we were friends in law school, I don't believe I have seen or spoken to Mr. Biederman, sadly, in about 20 years. Our graduation from law school was some time before that, but we were friends in law school and law school classmates.

In addition, of course, Joon Kim, who's one of the lawyers for the International Tennis Federation, was my boss for, I'm going to guess about five years when he was chief of the criminal division, Deputy U.S. Attorney, and then U.S. Attorney for the Southern District of New York. I was an

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1 AUSA during those years. That would be from about 2012 until
2 2017. I was a supervisor in the U.S. Attorney's Office during
3 those years and worked closely with Mr. Kim. He was my boss.
4 We've maintained a professional friendship since that time,
5 although we have not worked together since 2017.

6 Again, I don't see any reason that either of these
7 relationships affect my ability to preside over this matter or
8 my impartiality, but I wanted to disclose that and to ask you,
9 Mr. Quinn, if you have any objection to me continuing to
10 preside over this matter.

11 MR. QUINN: No, your Honor.

12 THE COURT: And Mr. Ruskin, I assume since all of
13 those lawyers are on your side that you have no objection, but
14 just --

15 MR. RUSKIN: Thank you for asking. No objection.

16 THE COURT: With that, we're here for an evidentiary
17 hearing.

18 Mr. Quinn, do you have a witness?

19 MR. QUINN: I believe the parties had agreed to have
20 brief opening statements.

21 THE COURT: Of course. I'm happy to hear you.

22 MR. QUINN: Mr. Tulumello will be doing the opening
23 for the plaintiffs.

24 MR. TULUMELLO: Good afternoon, your Honor. Drew
25 Tulumello of Weil Gotshal & Manges for the plaintiffs. Thank

P4BQpos2

Pospisil - Cross

1 right?

2 A. Yes, I believe so.

3 Q. Over your career, you've earned millions of dollars in
4 prize money, right?

5 A. Yes, I'm very fortunate to be one of the few that has.

6 Q. And just so the record is clear on this, you've never had
7 any of your benefits rescinded by the ATP Tour or anything like
8 that, have you?

9 A. No, I have not.

10 Q. Sir, during opening statements, do you remember your lawyer
11 making a reference to videos about a player smashing a racquet?

12 A. Yes.

13 Q. In the interest of time, I am not going to ask you many
14 questions about Miami 2021, but you would agree, it wasn't your
15 finest hour, was it, sir?

16 A. No, it wasn't. No.

17 Q. But the ATP never took away your benefits as a result of
18 your conduct that day, did it?

19 THE WITNEDSS: Can I ask -- can I ask you, I don't
20 know if -- can I ask you something privately?

21 THE COURT: Well, you have to ask -- I'm sorry, we
22 can't speak privately, Mr. Pospisil.

23 THE WITNEDSS: Sorry. Sorry.

24 THE COURT: No. No. No. You definitely -- if you
25 need guidance about how you can answer, you can ask me a

P4BQpos2

Pospisil - Cross

1 question about that, but you and I can't speak privately.

2 A. I was going to receive a large fine for that, and then we
3 came to a settlement, and I don't know the details of the
4 settlement, if I'm able to speak about it or not, so that's why
5 I hesitate.

6 Q. I'll just move on, sir.

7 On the day the complaint was filed, you tweeted that
8 "It's important to note that we spoke to over 300 players prior
9 to filing, and everyone was extremely supportive, including the
10 top players."

11 A. Correct.

12 Q. You personally spoke to hundreds of players before filing
13 this lawsuit?

14 A. Believe it or not, yes.

15 Q. Did you actually share the complaint with hundreds of
16 people?

17 A. No. That -- no. No one would -- I would outline the
18 premise of the issues and what the lawsuit is about and gave as
19 much information as I felt necessary, which was as much as
20 possible, obviously, and -- but I did not send the complaint,
21 no.

22 Q. With how many players did you actually share the complaint?

23 A. With those that were interested in signing on as plaintiffs
24 and that had asked to view the complaint.

25 Q. How many players would that be, sir?

P4BQpos2

Pospisil - Cross

1 A. I'm not sure. As I mentioned previously, it was very
2 difficult to have a player -- regardless of how supportive they
3 were or not of the overall idea of the claim, it was very
4 difficult to get them to a point where they felt even
5 comfortable to put their names on it given the fear that is
6 clearly out there.

7 Q. Sir, the players to whom you did show the complaint, did
8 they tell you they liked everything in the complaint?

9 A. The issue was not the complaint. Yes. I don't recall a
10 single player mentioning anything about a specific part in the
11 complaint that was an issue for them.

12 Q. Sir, Novak Djokovic, the co-founder of the PTPA, he didn't
13 sign his name to your lawsuit, did he?

14 A. He did not, and he -- we spoke to him the morning that we
15 filed. He had reviewed -- well, I can't speak for him if he
16 reviewed, but we had sent him all the way through along the way
17 all the drafts. He was part of the early conversations, and he
18 was supportive all the way through to the end.

19 Q. But you're surely aware that after the lawsuit was filed,
20 he publicly said there are things that I agree with in the
21 lawsuit and there are also things that I don't agree with,
22 right?

23 A. Yes. I was surprised to hear him say that personally, and
24 I can't speak for him. I don't know why he said that and what
25 specifically he didn't agree with because it was not in line

P4BQpos2

Pospisil - Cross

1 with our previous conversations with him leading up to it.

2 Q. Most of the people with whom you spoke about the lawsuit
3 before it was filed, you did not show most of them the actual
4 complaint, did you?

5 A. We sent the complaint to every player that is a named
6 plaintiff.

7 Q. Beyond the named plaintiffs, how many players did you send
8 the complaint to before it was filed?

9 A. Like I said previously, I am not sure. The only ones that
10 I sent it to are the ones that requested to see it, and those
11 are the ones that were considering signing on as plaintiffs,
12 but the filing itself was never brought up as the issue. It's
13 clearly, you know, the fear and the potential retaliation and
14 the outcome of putting your name on something like this. So I
15 just think it was -- yeah, that was the reason.

16 Q. Mr. Djokovic wasn't the only top player to make a public
17 statement in opposition to the lawsuit, was he?

18 A. No.

19 Q. Carlos Alcaraz, the number three player in the world, when
20 he was asked about this lawsuit, you recall that Mr. Alcaraz
21 said "It was surprising for me because no one had told me about
22 it"?

23 A. Yes, and actually he was one of the few that in hindsight I
24 should have spoken to. I made a judgment call given that he
25 was so young and doing so well, I felt at the time -- and in

P4BQpos2

Pospisil - Cross

1 hindsight I should have spoken to him, but I felt at the time
2 that I didn't want to distract him. He's only -- I don't know
3 how old he is, 20 maybe, and actually messaged him after I saw
4 those comments, which were taken a little bit out of context as
5 well because I think he was referring mostly to the fact that
6 he just wasn't aware of the lawsuit and didn't have a strong
7 opinion on it given he was not aware. And then when I messaged
8 him, he replied quite enthusiastically via text basically
9 saying that yes, he would love to learn more about it, and that
10 was the last interaction we had. We tried to get in touch
11 after Miami, but we haven't been able to do so.

12 Q. Mr. Zverev, Alexander Zverev, the number two player in the
13 world, he didn't come out and say he was extremely supportive
14 of the lawsuit, did he?

15 A. I'm not sure what he said publicly to a T, but I've had
16 extensive conversations with him for months.

17 Q. Do you remember that he publicly said that he thinks that
18 players in tour should unite and not fight?

19 A. Yeah, he may have said that. I don't recall seeing those.

20 Q. Going back to Jay Clarke just real briefly, and I want to
21 be precise here. Did you personally discuss the U.K. letter
22 with Jay Clarke before that letter naming him as a plaintiff
23 was filed?

24 A. I personally spoke to -- yeah -- well, I had to recruit. I
25 mean, I had to ask him about it, and I don't recall if -- I

P4BQpos2

Pospisil - Cross

1 genuinely don't recall if it was via text message or
2 conversation, and then he was -- I was surprised -- because I
3 know how sensitive of an issue this is, and I was very
4 pleasantly surprised -- although he has always been very
5 supportive of us from the beginning, I was surprised he was
6 willing to put his name on the lawsuit, yes. So, of course --
7 yes, to answer your question, I did speak to him. I just don't
8 remember what form it was in. He wouldn't have just put his
9 name on it without speaking to him.

10 Q. Is it your sworn testimony today that the PTPA had
11 Mr. Clarke's permission to name him as a plaintiff?

12 A. Yes.

13 Q. And you did not personally witness what anyone from ATP
14 ever said to Mr. Clarke or any of his representatives, did you?

15 A. I'm sorry, can you repeat the question?

16 Q. You did not personally witness any statements made by
17 anyone at ATP to either Mr. Clarke or any of his
18 representatives?

19 A. No.

20 Q. You understand that Mr. Clarke has made public statements
21 about why he withdraw from the U.K. lawsuit, right?

22 A. Yes, I'm aware of the statements.

23 Q. You understand that in his public statement, Mr. Clarke
24 said, "I do not fully align with the way the case has been
25 approached," right?

P4BQpos2

Pospisil - Redirect

1 A. Yes, and I was very -- well, I shouldn't say -- yeah, I was
2 surprised to see that because he had texted me prior to making
3 the announcement, and he explicitly said in the text message
4 that the reason was that he had said that he still obviously
5 supports it, and he said that he was getting eaten alive in the
6 British media, and he was going to say that he wanted to focus
7 on his career, and that was what the statement was going to be,
8 so I was surprised to see that. And he made no mention of
9 anything that he disagreed with in terms of wording of the
10 lawsuit.

11 Q. And that's still a text message you have in your
12 possession?

13 A. Yes, I do.

14 MR. CASAZZA: Thank you, sir. I have no further
15 questions for now.

16 THE COURT: Mr. Quinn, any redirect?

17 MR. QUINN: Very briefly, your Honor.

18 REDIRECT EXAMINATION

19 BY MR. QUINN:

20 Q. Counsel asked you a lot about communications that you have
21 had and continue to have with players with regard to this
22 lawsuit. Do you recall that line of question?

23 A. Yes.

24 Q. You or the PTPA -- neither you nor the PTPA control the
25 livelihood of tennis players. Am I right about that?

P4BQpos2

Pospisil - Redirect

1 A. Yes, you're right, we don't.

2 Q. He also showed you -- if you would put up DX-33. Do you
3 recall counsel asked you about this email that you wrote back
4 in 2019?

5 A. Yes.

6 Q. In the email, you talked about replacing -- getting a new
7 player board?

8 A. Yes.

9 Q. And you thought back then that that was going to solve
10 everything or you hoped that it would?

11 A. I hoped it would help.

12 Q. How did that turn out?

13 A. Not well at all. And this was still during the phase in
14 which I was trying to, you know, fix the issues within the
15 structure within the council, and it was, you know, clear that
16 it was impossible, and hence why we decided to make the move to
17 start the association.

18 Q. Now, you wrote in this email, and I will just quote it: "We
19 need a governance structure that prevents peddling by the deep
20 pocketed tournaments."

21 Then you go on to say, "We need our own legal
22 counsel."

23 You have that now, right?

24 A. Yes.

25 Q. And you want your own business advisors. You have that now

P4BCpos3

Syed - Cross

1 meeting, as well.

2 Q. You did not personally witness a word of any of those
3 conversations, did you?

4 A. Not personally, no.

5 Q. You testified in your declaration, sir, that since the
6 lawsuit was filed, you've spoken with several professional
7 players about inappropriate communications between themselves
8 and representatives or agents from the ATP initiated by ATP
9 about those players' participation in the ongoing lawsuit,
10 right?

11 A. Yes, that's correct.

12 Q. Were the players with whom you spoke ATP members?

13 A. Yes.

14 Q. What did you do to document any of those conversations?

15 A. I communicated that I have notes regarding those
16 conversations.

17 Q. And again, you're not the attorney for any of the
18 individual players with whom you had those conversations, are
19 you?

20 A. No.

21 Q. You're not claiming that your communications with those
22 individual players are privileged, are you?

23 A. No.

24 Q. In your declaration, when you refer to representatives or
25 agents from the ATP who spoke to players, you're unwilling to

P4BCpos3

Syed - Cross

1 name those individuals; do I have that right?

2 A. Yeah, based on my conversation with those players
3 expressing that explicitly, yes.

4 Q. You testified in your declaration that the communications
5 were initiated by ATP, right?

6 A. Yes.

7 Q. But you don't actually know whether those communications
8 were initiated by ATP, do you?

9 A. I do because the players narrated that to me.

10 Q. Well, sir, players might have told you that. You don't
11 personally know who initiated any of the conversations players
12 told you they supposedly had?

13 A. Players, yes, they told me the stories that they had, yes.

14 THE COURT: I'll just help everyone. Mr. Syed, you
15 weren't present for any of the conversations that players told
16 you about, correct?

17 THE WITNESS: That's correct.

18 THE COURT: I think that's been well established.

19 Q. You testified about the locker room at ATP events being a
20 players sanctuary, right?

21 A. Yes, that's correct.

22 Q. You know, sir, that at the PTPA's request, ATP actually
23 gives credentials to the PTPA so the PTPA can go in locker
24 rooms at ATP events?

25 A. Not in the locker rooms.

P4BCpos3

Syed - Cross

1 Q. But you understand that the ATP gives PTPA credentials to
2 go into players-only areas at ATP events, right?

3 A. Specific player area only such as dining, but not a locker
4 room. Even coaches are not technically allowed in the player
5 locker rooms. They have specific coaches locker rooms for
6 those reasons.

7 Q. In your declaration when you were testifying about the
8 conversation that Mr. Pampoulov supposedly had with a
9 professional tennis player, you testified that the player was
10 asked to signed a document; right?

11 A. Yes, correct.

12 Q. You don't know whether that document was actually about
13 this lawsuit, do you?

14 A. I do because the player told me it was about this lawsuit.

15 THE COURT: It's getting late. Everyone knows that
16 Mr. Syed knows everything that he knows about these
17 interactions because of what the players told him. There's no
18 confusion about that. So let's not spend any more time on that
19 issue because I know it and everyone knows it. And you only
20 have a couple more minutes, Mr. Casazza, with this witness, so
21 use it wisely.

22 Q. Mr. Syed, if you could quickly take a look at DX 7 in the
23 binder. This is a press release the PTPA issued regarding the
24 filing of this lawsuit, right?

25 A. Yes, that's correct.

P4BCpos3

Syed - Cross

1 MR. CASAZZA: We'd like to move this into evidence.

2 MS. BARRINGTON: No objection, your Honor.

3 THE COURT: It's admitted. DX 7 is admitted.

4 (Defendants' Exhibit 7 received in evidence)

5 Q. Mr. Syed, you reviewed this press release before it was
6 published, right?

7 A. That's correct.

8 Q. You're a licensed attorney, at least in Minnesota, you
9 wouldn't want the PTPA to make false statements to the public,
10 would you.

11 A. Yes, that's correct.

12 Q. If you learn that the PTPA says something false, would you
13 try to correct that?

14 A. Yes.

15 Q. Can you please take a look at the last bullet point here on
16 the first page of DX 7 where it says, PTPA's legal actions
17 backed overwhelmingly by the top 250-plus men's and women's
18 players including a majority of the top 20 players. Do you see
19 that, sir?

20 A. Yes.

21 Q. So it's your sworn testimony that that's 100 percent
22 accurate?

23 A. Yes.

24 Q. Does the PTPA know which professional tennis players
25 consider themselves to be members of the PTPA?

P4BCpos3

Syed - Cross

1 A. So the PTPA advocates on behalf of the top 250 men and
2 women singles players and the top 100 men and women doubles.

3 Q. But does the PTPA actually know which individual players
4 consider themselves to be PTPA members? Do you understand what
5 I'm asking, sir?

6 A. Yes. We don't have any membership criteria specifically.

7 Q. You don't maintain a list of your members, do you?

8 A. Where in terms of people who are players would sign
9 something?

10 Q. However you would define "member," sir. It's not my
11 organization.

12 A. No. We advocate on behalf of the top 250 men and women
13 professional players singles and the top 100 men and women
14 doubles. That's our player advocacy focus group.

15 Q. The PTPA does not maintain a list of its members, does it?

16 A. No, that's correct.

17 Q. How does someone become a member of the PTPA?

18 A. As they move up the rankings, as the rankings in tennis,
19 once you get to be ranked in the top 250 play -- or 250 in the
20 singles, for example, you'll be eligible in terms of
21 potentially some of our services and benefits that we have. We
22 start advocating our medical networks that we have, a lot of
23 the player health-related aspects. They are eligible to start
24 being participants in those kind of things and utilizing those
25 services and benefits.

P4BCpos3

Syed - Cross

1 Q. I want to make sure that I understand your testimony
2 correctly. You're saying that professional tennis players
3 automatically become members of the PTPA once they get
4 sufficiently highly ranked?

5 A. We advocate for those players, yes.

6 THE COURT: He's already said, Mr. Casazza, that it's
7 not a membership organization in the traditional sense, but the
8 mission of the organization is to advocate on behalf of that
9 set of players.

10 And I'm going to give you just one more minute, but I
11 want you to wrap up this witness so we have time for
12 Mr. Pampoulov.

13 Q. If you could take a look at DX 32, sir. This is a post on
14 X that you reposted from Sky Sports news, that it says,
15 breaking a tennis players' union cofounded by Novak Djokovic
16 has started legal action against the sport's governing bodies?

17 A. Yes.

18 Q. The PTPA is not a union, sir?

19 A. That's correct.

20 Q. Did you call Sky Sports news and say you need to change
21 your headline, the PTPA is not a union?

22 A. No, I did not.

23 Q. Weren't you concerned that spreading news on X that the
24 PTPA is a players union would confuse player members of the ATP
25 into believing the PTPA is a union?

P4BCpos3

Syed - Cross

1 A. No, I was not. I was focused on the fact that it had one
2 of our cofounders, Novak Djokovic, saying that we started a
3 legal action against the sports governing bodies for the
4 accuracy.

5 Q. Sir, while I've got you here, my last question, do you
6 think it's okay for the ATP to tell it tennis players that the
7 PTPA is not their union?

8 A. Yes.

9 MR. CASAZZA: Thank you, your Honor.

10 THE COURT: Thank you.

11 Ms. Barrington, anything further questions?

12 MS. BARRINGTON: No. No, thank you, your Honor.

13 THE COURT: Thank you, Mr. Syed. You can step down.

14 (Witness excused)

15 Mr. Quinn, any additional?

16 MR. QUINN: That completes the testimony for the
17 players.

18 THE COURT: Thank you very much.

19 Ms. Popkin, do the defendants have a witness?

20 MS. POPKIN: We do, your Honor. We call Mr. Luben
21 Pampoulov.

22 THE COURT: Mr. Pampoulov, just come here. I know
23 you've been here for the hearing, so you know what to do. But
24 just come to the witness stand and remain standing when you get
25 there. Thank you.

P4BCpos3

Pampoulov - Direct

1 MS. POPKIN: Your Honor, to correct the record, he has
2 not been in here. He listened to the openings and left the
3 courtroom.

4 THE COURT: That's useful, Ms. Popkin. Thank you.

5 LUBEN PAMPOULOV,

6 called as a witness by the Defendants,

7 having been duly sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MS. POPKIN:

10 Q. Good afternoon, Mr. Pampoulov.

11 A. Good afternoon.

12 Q. We are a little tight on time, so we are going to try to
13 keep this a little tighter than expected. But just to give the
14 Court a very brief sense of your background, when did you start
15 playing tennis?

16 A. At a very young age. I had a, you know, my father was a
17 good tennis player. I played almost professionally and my mom
18 played as well, so started as soon as I was walking.

19 Q. And have you, yourself, played professional tennis?

20 A. I did play after juniors for about two and a half years on
21 the lower rank tournaments.

22 Q. And do you have a career outside of tennis now?

23 A. Yes. After college I started investment banking and then
24 switched over to venture capital, which I've been now for
25 16 years.

P4BCpos3

Pampoulov - Redirect

1 THE COURT: Mr. Quinn, any objection to that?

2 MR. QUINN: No, I don't have an objection to that.

3 That's fine.

4 THE COURT: Sure. That would be fine.

5 MR. RUSKIN: Thank you.

6 THE COURT: The only thing is that I think you should
7 file that by Wednesday so that when the plaintiffs submit their
8 letter on Friday, they know what the complete factual record is
9 for the hearing.

10 MR. RUSKIN: Happy to do so. Yes.

11 MR. QUINN: Thank you, your Honor. That would be
12 helpful. Thank you.

13 THE COURT: Anything you want to file on that in terms
14 of a declaration, just file it by Wednesday and then the
15 parties will file their letters by Friday.

16 MR. RUSKIN: That makes sense. I'm happy to do so.
17 Thank you.

18 THE COURT: Anything further, Mr. Ruskin?

19 MR. RUSKIN: No. Thank you.

20 THE COURT: Thank you, all, very much. It was very
21 helpful. We're adjourned.

22 * * *

23

24

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DEFENDANT EXHIBITS

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